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| Centralized Fax Dept. GAU 3743 Examiner Tho V. DUONG | 703.872.9306 | U.S. Patent and Trademark Office Alexandria, VA 22313-1450 |

Brenda O. Holmes

FROM

4

PAGES (WITH COVER)

6559

REFERENCE NO

44471/298741

CLIENT/MATTER NO.

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COMMENTS

Applicant:

Jinichi HIYAMA et al.

Title:

Header Tank for Heat Exchanger

Serial No./Docket No.:

10/807,722

44471/298741

Filed:

03/24/2004

PAPERS SUBMITTED:

1. PTO/SB/21 - Transmittal form;
2. PTO/SB/06 - Patent Application Fee Determination Record; and;
3. First Response in application to non-final Office Action Restriction Requirement of 11/16/2004.

Date: December 16, 2004

By: Brenda O. Holmes, Reg. No. 40,339

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ATLANTA AUGUSTA CHARLOTTE LONDON RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|---|------------------------|-----------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/807,722 |
| | Filing Date | 03/24/2004 |
| | First Named Inventor | Jinichi HIYAMA et al. |
| | Art Unit | 3743 |
| | Examiner Name | Tho V. DUONG |
| Total Number of Pages in This Submission | Attorney Docket Number | 44471/298741 |

| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/06 - Patent Application Fee Determination Record (12-04). |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|-------------------------|----------|--------|
| Firm Name | KILPATRICK STOCKTON LLP | | |
| Signature | <i>Brenda O. Holmes</i> | | |
| Printed name | Brenda O. Holmes | | |
| Date | 12-16-2004 | Reg. No. | 40,339 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|--|----------------------|------|----------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO's Centralized Facsimile Number (703) 872.9308 on the date shown below. | | | |
| Signature | <i>Janie Wilkins</i> | | |
| Typed or printed name | Janie Wilkins | Date | 12/16/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| | |
|---|---|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Application or Docket Number 44471/298711 |
|---|---|

Application or Docket Number
44471/298741

(Column 1) (Column 2)

| FOR | NUMBER FILED | NUMBER EXTRA |
|---|---|--------------|
| BASIC FEE (37 CFR 1.18(a), (b), or (c)) | N/A | N/A |
| SEARCH FEE (37 CFR 1.18(k), (l), or (m)) | N/A | N/A |
| EXAMINATION FEE (37 CFR 1.18(o), (p), or (q)) | N/A | N/A |
| TOTAL CLAIMS (37 CFR 1.16(j)) | 13 | minus 20 = 0 |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 1 | minus 3 = 0 |
| APPLICATION SIZE FEE (37 CFR 1.18(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(j)) | | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

| | | (Column 1) | | (Column 2) | (Column 3) |
|---|---|---|-------|---|------------------|
| AMENDMENT A | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| | Total (37 CFR 1.163) | 7 | Minus | 20 | = 0 |
| | Independent (37 CFR 1.164) | 1 | Minus | 3 | = 0 |
| | Application Size Fee (37 CFR 1.164) 32 sheets-100=0 extra | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.164) | | | | | |

| SMALL ENTITY | |
|--------------|----------|
| RATE (\$) | FEE (\$) |
| N/A | |
| N/A | |
| N/A | |
| X = | |
| X = | |
| | |
| N/A | |
| TOTAL | |

OR

| OTHER THAN SMALL ENTITY | |
|-------------------------|----------|
| RATE (\$) | FEE (\$) |
| N/A | |
| N/A | |
| N/A | |
| x 20 = | 0 |
| x 3 = | 0 |
| | |
| N/A | 290 |
| TOTAL | 290 |

| AMENDMENT B | (Column 1) | (Column 2) | (Column 3) |
|---|---|---|------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| | Total (27 CFR 1.18(g)) | • Minus | ** = |
| | Independent (27 CFR 1.18(h)) | • Minus | *** = |
| | Application Size Fee (37 CFR 1.18(s)) | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(j)) | | | |

| SMALL ENTITY | |
|-----------------|---------------------|
| RATE (\$) | ADDITIONAL FEE (\$) |
| X | 0 |
| X | 2 |
| | |
| N/A | |
| TOTAL ADD'L FEE | |

OR

| OTHER THAN SMALL ENTITY | |
|-------------------------|---------------------|
| RATE (\$) | ADDITIONAL FEE (\$) |
| x 50 = | 0 |
| x 200 = | 0 |
| | 0 |
| N/A | |
| TOTAL ADD'L FEE | 0 |

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest Number Previously Paid For" (5-3) (Completed)

The "highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.18. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 16 2004

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jinichi HIYAMA et al.

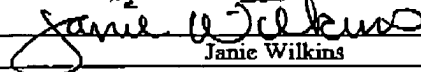
Serial No. 10/807,722

Filed: March 24, 2004

For: Header Tank for Heat Exchanger

)
)
) Art Unit: 3743
)
) Examiner: Tho V. DUONG
)
) Attorney Docket No.:
) 44471/298741

I hereby certify that this correspondence is being sent to the United States Patent Office, TC2611, via facsimile, to centralized facsimile No. (703.872.9306), on December 16, 2004.


Janie Wilkins

FIRST RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated November 16, 2004 in the patent application identified above, the Applicants elect Species III: Claims 2 through 6 are readable on the elected species.

This election is made without traverse.

The foregoing is submitted as a complete response to the Office Action identified above. The Applicants await further examination in due course.

Respectfully submitted,



By: Brenda O. Holmes
Reg. No. 40,339

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